



4           4. As a result of these and other violations of law,  
5 Plaintiff seeks hereby to recover actual and statutory damages  
6 together with reasonable attorney's fees and costs.

5. Plaintiff, Maria Hernandez, is a natural person who resides in Las Vegas, Nevada, and is a "consumer" as defined by 15 U.S.C. Section 1692a(3) and allegedly owes a "debt" as defined by 15 U.S.C. Section 1692a(5).

6. Defendant, GC Services Limited Partnership, is a domestic corporation, the principal purpose of whose business is the collection of debts, operating a debt collection agency from its principal place of business in Houston, Texas, and regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is a "debt collector" as defined by 15 U.S.C. Section 1692a(6).

20           7. Plaintiff(s) repeat, reallege and assert all factual  
21       allegations contained in the preliminary statement to this  
22       Complaint and reassert them as incorporated in full herein.

23           8. On January 29, 2009, Defendant dunned Plaintiff for an  
24 alleged debt.

1       9. On February 4, 2009, Plaintiff wrote Defendant advising  
2 of her refusal to pay (Exhibit 1).

3       10. Plaintiff's written refusal to pay required Defendant to  
4 cease and desist all collection communications in accordance with  
5 FDCPA § 1692c(c):

6           (c) Ceasing communication - If a consumer  
7 notifies a debt collector in writing that the  
8 consumer refuses to pay a debt or that the  
9 consumer wishes the debt collector to cease  
10 further communication with the consumer, the  
11 debt collector shall not communicate further  
12 with the consumer with respect to such debt.

13       11. Defendant received Exhibit 1 on February 6, 2009 (Exhibit  
14 2).

15       12. Notwithstanding, on January 20, 2009, Defendant again  
16 dunned Plaintiff in violation of FDCPA §§ 1692c and 1692d (Exhibit  
17 3).

18       13. The foregoing acts and omissions of Defendant were  
19 undertaken by it willfully, maliciously, and intentionally,  
20 knowingly, and/or in gross or reckless disregard of the rights of  
21 Plaintiff.

22       14. Indeed, the foregoing acts and omissions of Defendant  
23 were undertaken by it indiscriminately and persistently, as part of  
24 its regular and routine debt collection efforts, and without regard  
25 to or consideration of the identity or rights of Plaintiff.  
26

1           15. As a proximate result of the foregoing acts and omissions  
2 of Defendant, Plaintiff has suffered actual damages and injury,  
3 including, but not limited to, stress, humiliation, mental anguish  
4 and suffering, and emotional distress, for which Plaintiff should  
5 be compensated in an amount to be proven at trial.

6           16. As a result of the foregoing acts and omissions of  
7 Defendant, and in order to punish Defendant for its outrageous and  
8 malicious conduct, as well as to deter it from committing similar  
9 acts in the future as part of its debt collection efforts,  
10 Plaintiff is entitled to recover punitive damages in an amount to  
11 be proven at trial.

12                           CAUSES OF ACTION

13                                   COUNT I

14           17. The foregoing acts and omissions of Defendant constitute  
15 violations of the FDCPA, including, but not limited to, Sections  
16 1692c, 1692d and 1692e.

17           18. Plaintiff is entitled to recover statutory damages,  
18 actual damages, reasonable attorney's fees, and costs.

19                                   COUNT II

20           19. The foregoing acts and omissions constitute unreasonable  
21 debt collection practices in violation of the doctrine of Invasion  
22 of Privacy. *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp.  
23 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of*  
*Nevada, Inc.*, 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

24           20. Plaintiff is entitled to recover actual damages as well  
25 as punitive damages in an amount to be proven at trial.  
26

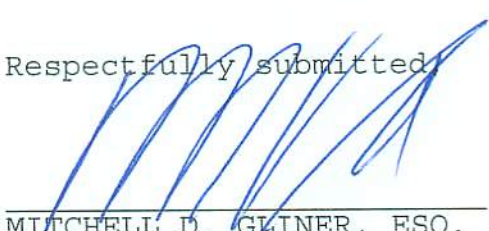
JURY DEMANDED

Plaintiff hereby demands trial by a jury on all issues so triable.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

1. Award actual damages.
2. Award punitive damages.
3. Award statutory damages of \$1,000 pursuant to 15 U.S.C. § 1692k.
4. Award reasonable attorney fees.
5. Award costs.
6. Grant such other and further relief as it deems just and proper.

Respectfully submitted,

  
\_\_\_\_\_  
MITCHELL D. GLINER, ESQ.  
Nevada Bar #003419  
3017 West Charleston Boulevard  
Suite 95  
Las Vegas, NV 89102  
Attorney for Plaintiff

February 4, 2009

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

GC Services Limited Partnership  
Collection Agency Division  
P. O. Box 2667 (023)  
Houston, Texas 77252-2667

Dear Sir:

I refuse to pay.

Maria Hernandez

Enclosure

**EXHIBIT 1**

**GC Services Limited Partnership**  
**Collection Agency Division**  
**6330 Gulfton, Houston, Tx. 77081**

PO Box 2667 (023)  
Houston Tx 77252-2667  
Return Service Requested  
January 29, 2009

**BALANCE DUE STATEMENT**

YOU OWE  
**NISSAN MOTOR ACCEPT.**

**BALANCE DUE**

X \$23,448.18

**ACCOUNT NUMBER**

90102451248870001

USE ENCLOSED ENVELOPE AND SEND PAYMENT TO:

0270409027002126-0108-01

|||||

Maria Hernandez

700 N 18th St  
Las Vegas NV 89101-2753

|||||

PO Box 5220  
San Antonio Tx 78201

(866) 862-2787  
2362724

**PLEASE DETACH AND RETURN UPPER PORTION OF STATEMENT WITH PAYMENT.**

Dear Maria Hernandez:

Your account with NISSAN MOTOR ACCEPT., in the amount of \$23,448.18, has been referred to us.

By this time you must realize that you are delinquent.

Send us your payment in full in the enclosed envelope. Please include this letter to assure proper credit of your payment.

Remit your balance in full or phone (866) 862-2787.

**IMPORTANT: BE CERTAIN YOUR ACCOUNT IS CORRECT.**

**FILL IN BELOW.**

HOME PHONE : \_\_\_\_\_

NEW ADDRESS : \_\_\_\_\_

EMPLOYER : \_\_\_\_\_ PHONE: \_\_\_\_\_

EMPLOYER ADDRESS : \_\_\_\_\_

0270409027002126-0108-01



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[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7005 2570 0000 3475 9686  
Status: Delivered

Your item was delivered at 7:43 AM on February 6, 2009 in HOUSTON, TX 77210.

### Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)

[Return to USPS.com Home >](#)

### Notification Options

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No FEAR Act EEO Data

FOIA



Free & confidential  
Internet services for business



Free & confidential  
Internet services for business

EXHIBIT 2



**G** GC SERVICES LIMITED PARTNERSHIP  
COLLECTION AGENCY DIVISION  
6330 GULFON, HOUSTON, TX. 77081

PO BOX 5220 (023)  
SAN ANTONIO TX 78201  
RETURN SERVICE REQUESTED  
FEBRUARY 20, 2009

**BALANCE DUE STATEMENT**

YOU OWE  
NISSAN MOTOR ACCEPT.

BALANCE DUE  
\$22,178.18

ACCOUNT NUMBER  
90102451248870001

USE ENCLOSED ENVELOPE AND SEND PAYMENT TO: ?

0270409027002126-0533-07

|||||  
MARIA HERNANDEZ

700 N 18TH ST  
LAS VEGAS NV 89101-2753

|||||

PO BOX 5220  
SAN ANTONIO TX 78201

(866) 862-2787

2362724

**PLEASE DETACH AND RETURN UPPER PORTION OF STATEMENT WITH PAYMENT.**

Dear Maria Hernandez:

This letter is in reference to your outstanding balance owed to the above referenced client.

Now that you may be eligible for an income tax refund, we expect that you will want to pay your balance in full or at least a large part of the remaining balance.

Please send your balance in full or if you are waiting for your refund, call us at the phone number listed above to assist you in resolving this account.

We feel this is a fair and reasonable demand as our client has been waiting for payment for quite some time.

Your cooperation is appreciated. If you have any questions, or think you may qualify for a settlement, please call.

Sincerely,  
Ms. Gutierrez  
Account Representative

**EXHIBIT 3**